

CHARLES STILLMAN.

[To accompany Bill H. R. No. 46.]

MARCH 2, 1860.

Mr. STANTON, from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs, to whom was referred the memorial of Charles Stillman, beg leave to report :

The proofs before the committee serve to show clearly that at the commencement of the late war with Mexico the petitioner was a resident of Matamoras, in the republic of Mexico, and the lessee of the ferry across the Rio Grande at that place, and the owner of a chaland or ferry-boat, used in the transportation of passengers and freight across the river.

That a few days before the capture of that place by the American troops under General Taylor, in 1846, the petitioner, as well as all other American citizens, was expelled from that place by virtue of a proclamation of General Ampudia, the Mexican general in command of that department. That during his absence his boat was seized by the officers in command of the army of the United States, and used in the transportation of troops and army stores at the capture of Matamoras, and detained and used as a ferry-boat during the occupancy of that place by the army of the United States until it was worn out.

A letter from the Third Auditor of the Treasury, however, states that the proofs before him, on the application of the petitioner to that office, show that the boat was first captured by the Mexican army, and recaptured by our troops from the Mexicans, and that for that reason the claim was disallowed by that office.

The committee have not called for that proof, because, in the view which they have taken of the case, they do not consider it material.

Although the government is not bound to indemnify or make compensation to a citizen for property captured or destroyed by an enemy in time of war, yet, if it is recaptured by our government, the title of the owner is revived, and he may reclaim it; or, if it is retained for public use, compensation must be made to the owner.

Two witnesses and the petitioner testify that the boat was worth eight hundred dollars. But the builder of the boat, whose testimony is taken by the petitioner, testifies that it was worth five hundred dollars, and that he sold it to the petitioner for that sum.

The committee therefore report a bill for that amount.

